

CITY OF JOHNS CREEK
COUNCIL MEETING
March 28, 2011 @ 7:00pm

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, March 28, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson
Post 2-Dan McCabe
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5 Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager, John Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Johns Creek Police Officer Roland Castro.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and thanked our City Clerk Joan Jones for arranging the recent Strategic Planning Workshop with facilitator Lyle Sumek, saying it was very productive. The Mayor announced he participated in the Metropolitan Atlanta Mayor's Association annual "Georgia Rides to the Capitol" event; attended the annual Council for Quality Growth Meet and Greet with Council Member Figueroa and along with several Council Members attended the Johns Creek Arts Center annual Bowls Event and addressed River trail Middle School 8th grade students. The Mayor also mentioned he had the honor of interviewing very impressive Johns Creek High School students who were finalists in the competition for the PTSA scholarship and commented on the great work of the PTSA. He invited everyone to attend the Police Department's third annual golf tournament on April 11th at the Standard Club, to benefit the Special Olympics and mentioned attending the recent golf tournament held by the Johns Creek Chamber. In closing, the Mayor congratulated the JCFD Swift Water Rescue team and the good Samaritans who assisted in the Chattahoochee River rescue this past weekend, and urged everyone to exercise caution when using the river. In closing, Mayor Bodker announced the Southeastern Lacrosse Championship is returning to the City the weekend of April 29 to May 1.

MINUTES: Council Member Johnson motioned, seconded by Council Member Miller, to approve the March 14, 2011 Work Session Summary and the Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Miller motioned, seconded by Council Member McCabe to amend the meeting agenda, adding **New Business**, Item #4, an **ACTION ITEM**, Authorizing the City Clerk to Advertise for three Home Rule Charter Amendments stated in Resolution 2011-02-14, under Sections 1, 2, and 3. There being no discussion, the motion passed unanimously.

City Clerk Jones read the Public Comment procedures.

PUBLIC COMMENT: Mark Endres addressed Council and commented although the Legislative Delegation stated Council has the authority to propose Charter revisions using Home Rule, he would prefer Council appoint the Charter Commission to review all revisions being considered. Bob Frame addressed Council and commented on the Delegation's letter to Council and use of Home Rule provision saying this rule should not be used to make significant changes and the revisions being proposed appear significant and added the proposed changes to the balance of power appear to be conflicting. David Kornbluh addressed Council, read a quote from George Washington on the role of government and said Council's proposed Charter change would change the balance of power and appears to be a conflict, and said the urgency for making the changes now, before the creation of a Charter commission, has not been discussed with the community. Andy Gelernter addressed Council on the proposed Second Hand Dealer Ordinance and said he has a children's consignment shop and the ordinance is unclear on regulations for his business.

CONSENT AGENDA: No Consent Agenda

ANNOUNCEMENTS: City Clerk Jones announced the CVB, RPAC and Planning Commission meetings scheduled for Tuesday, April 5th have been rescheduled because of Spring Break, to Tuesday, April 12th, at 9:00am, 4:00pm and 7:00pm respectively. The next upcoming meeting is:

- *Monday, 4/11/11 @5:00pm-Work Session, followed by 7:00pm-City Council Meeting*

REPORTS & PRESENTATIONS: Mayor Bodker provided a legislative update on a proposal for a tax reform bill which would include additional tax on vehicle sales telecommunication and satellite services and reduce state income taxes.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

AMEND CHAPTER 113 OF THE CODE- DEVELOPMENT REGULATIONS: As this item was previously discussed at the March 14th, Work Session, Council had no additional questions for staff. Council Member Richardson motioned, seconded by Council Member Figueroa to approve Ordinance 2011-03-06 to Amend Chapter 113 of the Code of Johns Creek, Georgia (Development Regulations) to add provisions to comply with the Metropolitan North Georgia Water Planning District requirements; to add provisions regarding maintenance of private fire hydrants; to amend provisions regarding drainage easements and for other purposes. There being no discussion, the motion passed unanimously. (***ORDINANCE 2011-03-06***)

AMEND ARTICLE IV OF THE CHAPTER 22- SECOND HAND DEALERS: A Public Hearing on Ordinance 2011-03-07 to amend Article IV of Chapter 22 of the Code of the City of Johns Creek, Georgia (Licenses) by creating additional licensing requirements for secondhand dealerships within the City was held.

Assistant City Attorney Scott Hastey reviewed the Ordinance which was previously discussed at the March 14th Work Session and advised Council of changes to the *Section 22-100*, in subsection (1)-striking the requirement for the seller of goods to provide a social security number and in subsection (2)-add a sentence following "A digital camera will be used to collect the required pictures and transferred to a CD for submittal to read, *"Further, a fingerprint ink pad will be used to collect the required fingerprint of the seller."*

Mayor Bodker opened the public hearing on Ordinance 2011-03-07 to amend Article IV of Chapter 22 of the Code of the City of Johns Creek, Georgia (Licenses) by creating additional licensing requirements for secondhand dealerships and called for anyone wishing to speak on the matter.

Mr. Mark Endres commented the City's regulations covering secondhand retail increased from two pages to 12 pages with the proposed amendments and the new restrictions being obtrusive, will make it difficult for secondhand stores to effectively operate, will increase the costs of doing business because of the excessive paperwork required and provides no grandfathering clause for existing businesses; and he added, the regulations will scrutinize residents trying to sell items, is an invasion of privacy and residents will opt to go elsewhere to purchase or sell used goods. Andy Gelernter, said he and his wife own a consignment shop selling children goods, he lives in the City, and is concerned about how the regulations will affect his businesses, such as prohibiting the hiring of local high schools students and having to fingerprint his customers—many of whom are parents who live in the community. He asked Council to reconsider the proposed regulations.

There being no one else wishing to speak, Mayor Bodker closed the public hearing.

During discussion, Council Member Richardson asked Counsel if the proposed ordinance makes any distinctions between secondhand stores and pawn shops. Mr. Hastey responded the current language makes no distinction and references only secondhand goods. Council Member Figueroa motioned, seconded by Council Member Richardson to table Ordinance 2011-03-07 until the 2nd Council Meeting in April to provide for further staff review. In further discussion, the Mayor asked staff to consider the comments made during the public hearing as they proceed with their review. There being no further discussion, the motion passed unanimously.

2011 CDBG ACTION PLAN CITIZEN PARTICIPATION PROCESS: Chief of Staff Patty Hansen provided a re-cap of the Community Development Block Grant (CDBG) funding prospects as presented at the March 14th Work Session and reviewed the Citizen Participation Process for the 2011 Action Plan. She presented the Plan Calendar, outlining time-lines for presentations, posting, public hearing and comment periods and informed Council the plan must be posted online by April 7th. On the calendar presented, posting on the website was scheduled for March 30th, but due to scheduled site maintenance she recommended amending the Plan Calendar to note posting will be completed “prior to April 7th. Council Member Figueroa commented about the impact of federal budget cuts on the program and the impact on the city cities nationwide.

Council Member Figueroa motioned, seconded by Council Member Johnson to approve the Action Item approving the 2011 Community Development Action Plan Citizen Participation as amended, to be posted on or prior to April 7, 2011. There being no further discussion the motion passed unanimously. (***ACTION ITEM***)

HOME RULE CHARTER AMENDMENTS: As this item was discussed at tonight's Work Session there was no presentation required. Council Member Johnson motioned, seconded by Council Member McCabe to Authorize the City Clerk to advertise for Home Rule Charter Amendments under Sections 1, 2 and 3 as stated in Resolution 2011-02-14. During discussion, Mayor Bodker commented although in concept he supports the revisions, he opposes the process

and feels as the time is close to form a Charter Commission and the amendments should come via the Commission's recommendations. There being no further discussion, the motion passed 6 to 1, with Council Members Johnson, McCabe, Richardson, Figueroa, Stewart and Miller supporting the motion and Mayor Bodker opposing the motion. (***ACTION ITEM***)

OTHER BUSINESS: None

PUBLIC COMMENT: No public comment.

MAYOR'S COMMENT: The Mayor thanked everyone for attending the meeting and wished all a good evening and a happy spring break. He urged motorists to use caution on the road as children will be out of school.

EXECUTIVE SESSION: No Executive Session.

ADJOURNMENT: There being no further business, Council Member Figueroa made a motion to adjourn the meeting, Council Member Stewart seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk